

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Henrik Borjesson

Serial No.: 10/534,139

Filed: May 6, 2005

For: *Device And Method For Generating An Alert Signal*

Confirmation No.: 8489

Group Art Unit: 2617

Examiner: Marcos L Torres

December 12, 2008

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on December 12, 2008.

Signature: \_\_\_\_\_

Kirsten S. Carlos

**APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41**

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed October 30, 2008.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

**I. The Examiner's Answer – Response to Argument**

Appellant will refrain herein from readdressing all of the deficiencies with the pending rejections and, therefore, in the interest of brevity, Appellant hereby incorporates herein the arguments set out in Appellant's Brief on Appeal filed August 8, 2008 (hereinafter "Brief") as if set forth in their entirety. Accordingly, Appellant will only address new arguments made in the Examiner's Answer.

In the "Response to Argument" section beginning on page 9, the Examiner's Answer attempts to rebut Appellants' arguments set forth in Section I A of the Brief. Appellant will respond to the arguments in the Examiner's Answer for this section below.

As discussed in the Brief, according to the independent claims, the actual time may be tracked and an alert signal generated only when the distance between the device's position and the place of interest is less than a predetermined value and there is a match between the actual time and a calendar entry. In other words, a geographic alert is made conditional on a time condition. The Examiner's Answer states that Dussell describes their disclosure as "a means by which tasks can be scheduled and/or prioritized based on location." (Dussell, col. 7, lines 23 – 24) (Examiner's Answer, page 9). The Examiner's Answer then replaces the term scheduled with a dictionary definition for the term scheduling so that the foregoing quote reads "a means by which tasks can be ordered in a list of times at which things are planned to occur and prioritized based on location." (Examiner's Answer, page 9). The Examiner's Answer further states that Dussell mentions that the geocoded references can be accessed by calendaring and scheduling programs at col. 9, lines 10 – 15.

Appellant submits, however, that these teachings from Dussell merely describe a system in which the relative timing/priority of a task can be changed based on geographic location and an alert generated therefor. As Dussell explains in the grocery store example at col. 7, lines 30 – 41, when a person comes within a certain proximity of a grocery store, a task for "pick up milk" can be given the highest priority and an alert generated for the "pick up milk" task. In this regard, one can envision that if a user had three tasks corresponding to "pick up milk," "pick up dry cleaning," "return library books," the "pick up milk" task would become highest priority causing an alert to be generated when near a grocery store, the "pick up dry cleaning" task would become highest priority causing an alert to be generated when near a dry cleaner, and the "return library books" would become highest priority causing an alert to be generated when near a library. In contrast to the recitations of the independent claims, however, Dussell does not disclose or suggest making the alert that is generated when near a certain geographic landmark conditional on a time condition. In other words, in the example at col. 7, lines 30 – 41 of Dussell, there is no indication that the alert for the "pick up milk" task when the person nears the grocery store is only generated if it is a certain time or day. Accordingly, Appellant maintains that Dussell fails to disclose or suggest, at least, making a geographic alert conditional on a time condition as recited in independent Claims 1 and 14.

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## **II. Conclusion**

For at least the reasons set forth in above and in Appellant's Brief, Appellant requests reversal of the rejections of the pending claims, allowance of the pending claims, and passing of the application to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Scott Moore". The signature is fluid and cursive, with the first name "D." being small and the last name "Moore" being larger and more prominent.

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